



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 29, 1992

Mr. Jim Dickinson  
Deputy Executive Director  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744

OR92-631

Dear Mr. Dickinson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17515.

You have received a request for information relating to a certain application to the Game Warden Academy. Specifically, the requestor seeks "a copy of my background investigation, a copy of my test grade, and a copy of my interview report along with any additional notes pertaining to the interview." In addition, the requestor seeks "the names, addresses, and qualifications of the interview board . . . [and] the names, age, sex, basic qualifications and related work record, and the overall grade of those chosen for the Game Warden Academy." You have submitted to us for review an "Interview Evaluation" form and a list ranking applicants by their final interview results. You claim that these two documents are excepted from required public disclosure by section 3(a)(11) of the Open Records Act. As you do not comment on the remaining information requested, we presume it has been or will be made available to the requestor. See Open Records Decision No. 363 (1983).

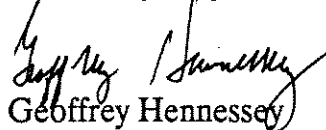
Section 3(a)(11) excepts from public disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency." It is well established that the purpose of section 3(a)(11) is to protect from public disclosure advice, opinion, and recommendation used in the decisional process within an agency or between agencies. This exception is intended to encourage open and frank discussion in the deliberative process. *See, e.g., Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.); Attorney General Opinion H-436 (1974); Open Records Decision Nos. 538

(1990); 470 (1987). Purely factual information, however, does not constitute advice, opinion, or recommendation and may not be withheld under section 3(a)(11). Open Records Decision No. 450 (1986).

We have examined the report submitted for our review. You advise us that each applicant to the Game Warden Academy is interviewed before a panel of four and is evaluated on a scale of one to ten on ten different factors. The results of this evaluation are recorded and tabulated on the "Interview Evaluation" form. Because this information essentially constitutes the "advice, opinion, or recommendation" of the four panelists, we conclude that the "Interview Evaluation" form may be withheld from required public disclosure under section 3(a)(11). The list ranking applicants by their final interview results also constitutes the "advice, opinion, or recommendation" of the panelists and may also be withheld from required public disclosure under section 3(a)(11).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-631.

Yours very truly,



Geoffrey Hennessey  
Assistant Attorney General  
Opinion Committee

GH/GCK/lmm

Ref.: ID# 17515  
ID# 17727

cc: Mr. Brentley D. Adams  
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